

**CITY OF WOBURN
MARCH 20, 2007 - 7:30 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Ciriello	Gately
Denaro	Galvin
Drapeau	Gonsalves
Dwyer	Mercer-Bruen
Doherty	

VOTED to dispense with the reading of the previous meeting's Journal and to APPROVE.

MAYOR'S COMMUNICATIONS: None.

PUBLIC HEARINGS:

On the petition by National Development Acquisitions LLC, c/o National Development of New England, 2310 Washington Street, Newton Lower Falls, Massachusetts 02462 to further amend the Zoning Map of the City of Woburn as follows: By amending the present zoning district of a certain parcel of land containing approximately 5.00 acres of land at 112 Commerce Way identified on Woburn Assessors' Map 10, Block 01, Lot 02 from the IP-2 zoning district to the B-I zoning district. PUBLIC HEARING OPENED. A communication dated March 14, 2007 was received from Attorney Joseph R. Tarby III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Proposed Zoning Map Amendments for 112 Commerce Way, Woburn, MA

Dear Mr. Campbell:

Due to the unavailability of both myself and Bryan Clancy of National Development on March 20, 2007, I respectfully request that the above-referenced petition be continued to the next City Council meeting scheduled for April 3, 2007. If you need any further information, please contact me. Thank you.

Very truly yours, s/Joseph R. Tarby III

On the petition by Nodraer Realty Corporation, 120 Commerce Way, Woburn, Massachusetts 01801 to further amend the Zoning Map of the City of Woburn as follows:

By amending the present zoning district of a certain parcel of land containing approximately 3.42 acres of land at 120 Commerce Way identified on Woburn Assessors' Map 10, Block 01, Lot 03 from the IP-2 zoning district to the B-I zoning district. PUBLIC HEARING OPENED. A communication dated March 14, 2007 was received from Attorney Joseph R. Tarby III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Proposed Zoning Map Amendments for 120 Commerce Way, Woburn, MA

Dear Mr. Campbell:

Due to the unavailability of both myself and Bryan Clancy of National Development on March 20, 2007, I respectfully request that the above-referenced petition be continued to the next City Council meeting scheduled for April 3, 2007. If you need any further information, please contact me. Thank you.

Very truly yours, s/Joseph R. Tarby III

On the petition by Extra Space Storage, 15 Olympia Avenue, Woburn, Massachusetts 01801 for a special permit to modify the hours of operation condition on a prior special permit issued on February 8, 1989 pursuant to Section 11.3.12 of the 1985 Woburn Zoning Ordinances, as amended at 15 Olympia Avenue. PUBLIC HEARING OPENED. A communication dated March 13, 2007 was received from Attorney Kenneth J. Hill , Adler Pollock & Sheehan P.C., 175 Federal Street, Boston, Massachusetts 02110 as follows:

Re: Extra Space Storage Special Permit Application – 15 Olympia Ave., Woburn, MA

Dear Mr. Campbell:

My name is Ken Hill and I am an attorney representing Extra Space Storage. As you may be aware, Extra Space recently appeared before the Planning Board and the City Council concerning its application for a special permit modifying its hours of operation. Following these appearances and after great consideration, Extra Space has determined that it would like to withdraw its application without prejudice so that it can further evaluate and, more importantly, meet with various city officials to discuss their concerns with Extra Space.

Accordingly, Extra Space requests leave to withdraw its application for a special permit modifying its hours of operation, as established by a condition placed upon the special permit granted on February 8, 1989 (Volume 45, page 211), without prejudice. I thank you in advance for your attention to this matter. Please do not hesitate to contact me if you have any questions or concerns.

Very truly yours, s/Kenneth J. Hill

On the petition by Alderman Scott Galvin concerning the building or buildings located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts known and numbered as 434 Main Street, Woburn, Massachusetts for the purposes of determining whether said building or buildings are a public nuisance, a nuisance to the neighborhood, a dilapidated or dangerous building or other structure, as said terms are used in Massachusetts General Laws Ch. 139, Sec. 1, and if so, enter an order adjudging it to be a nuisance to the neighborhood, or dangerous, and prescribing its disposition, alteration or regulation. PUBLIC HEARING OPENED.

On the petition by Alderman Richard Gately concerning the building or buildings located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts known and numbered as 239 Main Street, Woburn, Massachusetts for the purposes of determining whether said building or buildings are a public nuisance, a nuisance to the neighborhood, a dilapidated or dangerous building or other structure, as said terms are used in Massachusetts General Laws Ch. 139, Sec. 1, and if so, enter an order adjudging it to be a nuisance to the neighborhood, or dangerous, and prescribing its disposition, alteration or regulation. PUBLIC HEARING OPENED.

On the petition by Edmund F. Wall, 4 Waite Avenue, Burlington, Massachusetts 01803 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.5.56 Note 15 to construct a single family home with garage within, approximately 420 square feet of garage area at 7 Sherman Place Court. PUBLIC HEARING OPENED. A communication dated March 13, 2007 was received from Brett F. Gonsalves, Senior Engineer, Engineering Department as follows:

Subject: 7 Sherman Place Court Special Permit– Special Permit Application Dated 2/5/07

This office has reviewed the submitted special permit application for the above referenced project and takes no exception to the application as submitted.

If you or the Board have any questions concerning this information, please do not hesitate to contact this office.

A communication dated March 19, 2007 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Edmund F. Wall – 7 Sherman Place Court – To construct an additional garage

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on March 13, 2007, the Board voted to forward a favorable recommendation to the City Council on the Special Permit request to construct

an additional garage at 7 Sherman Place Court in accordance with the following condition:

1. That the garage areas be limited to the storage of cars and accessory storage of the single family house and no commercial vehicles shall be allowed.

If members of the City Council have any questions or concerns regarding the foregoing recommendation, please feel free to contact me.

Sincerely, s/Edmund P. Tarallo, Planning Director

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

ORDINANCE:

On the Order to amend Section 2-99 of the 1989 Woburn Municipal Code, as amended, relative to fire department fees and charges, committee report was received "ought to pass".

FINANCE:

On the Order to transfer the sum of \$23,400.00 from Short Term Interest to Unemployment Compensation and Workers Compensation, committee report was received "ought to pass".

On the Order to transfer the sum of \$150,000.00 from School Department Energy Receipts Reserved for Appropriation Account to FY2007 School Department Budget energy Account, committee report was received "ought to pass".

On the Order to transfer the sum of \$5,000.00 from Cemetery Interest Fund to Cemetery Utility Account, committee report was received "ought to pass".

On the Order to appropriate the sum of \$186,458.33 from Debt Reserve Fund to Interest on Temporary Loans, committee report was received "ought to pass".

On the Order to appropriate the sum of \$340,124.09 from Free Cash to various accounts, committee report was received as follows: "That the sum of \$178,809.09 to Police and

Medical Account, Northeast Regional Voc. Account, Alternative Energy Initiative Study Account, Fire Salary Account, Chain Link Fence at Council on Aging Account, Medicare Billing Account, and Preventative Maintenance Account ought to pass, and that the sum of \$161,315.00 to Claims and Damages be voted upon by separate claims”.

POLICE AND LICENSE:

On the petition for renewal of Taxi Cab License by Woburn Cab Co. Inc., committee report was received “ought to pass”.

On the petitions for renewal of Livery Licenses by Woburn Cab Co. Inc., Patricia Porrazzo dba Hollywood Limousine, and Frances Lucas dba Professional Livery, committee report was received “ought to pass”.

On the petition for renewal of Common Carrier License by Boston Tours Inc., committee report was received “ought to pass”.

AD HOC COMMITTEE ON PUBLIC WAYS:

Committee report was received as follows: “That a public hearing be held for the purposes of accepting the following streets: Arbor Lane, Arthur J. Pernokas Way, Brae Circle, Christin Way, Connor Drive, Coventry Lane, Crossman Road to Loves Lane, Fairway Drive, Presidential Way and Shaker Hill Lane.”

NEW PETITIONS:

Petitions for renewal of Livery Licenses by A Quality Limousine LLC, 9 Emerson Road; and George B. Pike dba Pike Executive Transportation.

Petition for renewal of Taxi Cab License by Abdulla Nasser dba AACO Travel Taxi Svcs, 329 Washington Street.

Petition for renewal of Common Carrier License by M&L Transit Systems, Inc., 60 Olympia Avenue.

Petition for renewal of Billiard Table License by Marc E. Dionne dba Silver Cue, 435 Main Street.

Petition by Atlantic Plywood, 8 Roessler Road, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.53 of the 1985 Woburn Zoning Ordinances, as Amended, to allow a flammable storage room at 8 Roessler Road.

COMMUNICATIONS AND REPORTS:

A communication dated March 13, 2007 with attachments was received from Joanne Collins, Director, Woburn Council on Aging along with the minutes of the February Council on Aging meeting and the March Director's Report.

A communication dated March 13, 2007 was received from Edmund P. Tarallo, Director, Woburn Planning Board relative to proposed streets for acceptance.

A copy of a communication dated March 10, 2007 to President Charles Doherty was received from Donald J. Borchelt, Executive Director, Woburn Redevelopment Authority relative to copies of meeting packages from the Woburn Redevelopment Authority made available to the City Council in the interest of improved communication between the boards.

A communication dated March 9, 2007 was received from Attorney William Hewig III, Kopelman and Paige, P.C., relative to FCC order regarding competitive cable television licenses (Verizon).

A communication dated March 14, 2007 was received from Attorney Jeanne S. McKnight, Kopelman and Paige, P.C. relative to a municipal real estate acquisitions table and checklists for the acquisition of real property by gift, purchase or eminent domain.

A communication dated March 6, 2007 entitled "Supplemental Comments of the New Jersey Department of Environmental Protection and the New Jersey Meadowlands Commission" in the matter of New England Transrail, LLC dba Wilmington & Woburn Terminal Railway Petition for Exemption, Surface Transportation Board Finance Docket No. 34797 was received.

A copy of a communication dated February 21, 2007 to the Surface Transportation Board was received from Attorney G. Paul Moates and Attorney Paul A. Hemmersbaugh, Sidley Austin LLP, 1501 K Street N.W., Washington, D.C. 20005 along with a copy of a Decision in a related matter filed with the Surface Transportation Board relative to STB Docket No. 34797, New England Transrail, et. al.

A copy of a communication dated March 13, 2007 the Surface Transportation Board was received from Austin LLP, 1501 K Street N.W., Washington, D.C. 20005 along with a copy of a document entitled "Response of the New York, Susquehanna and Western Railway Corporation to the Supplemental Comments of the New Jersey Department of Environmental Protection et. al." in the matter of New England Transrail, LLC dba Wilmington & Woburn Terminal Railway Petition for Exemption, Surface Transportation Board Finance Docket No. 34797 was received.

A copy of a communication dated March 15, 2007 to the Surface Transportation Board was received from Attorney J. Patrick Berry, Baker Botts L.L.P., 1299 Pennsylvania Avenue NW, Washington, D.C. 20004 relative to the matter of New England Transrail (FD 34797).

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED Whereas, there presently exists a structure or structures located in the City of Woburn, Massachusetts known and numbered as 111 Montvale Avenue; and

Whereas, the condition of said building or buildings has been allowed to deteriorate, the property is generally not being maintained and there are unregistered vehicles on the property;

Now, Therefore, Be It Ordered be the City Council of the City of Woburn that the City Clerk and Clerk of the City Council schedule a public hearing pursuant to Mass. General Laws Ch. 139, Sec. 1, et. seq., and give notice thereof to the owner of said building or buildings, said hearing to be conducted for the purposes of determining whether said building or buildings are a nuisance, a nuisance to the neighborhood, dilapidated or dangerous building or buildings or other structure or structures, as said terms are used in Mass. General Laws Ch. 139, Sec. 1, and if so, enter an order adjudging it to be a nuisance to the neighborhood, or dangerous, and prescribing its disposition, alteration or regulation.

s/Alderman Gately

ORDERED Be It Ordained by the City Council of the City of Woburn that Article III, Section 9-17 of the 1989 Woburn Municipal Code, as Amended, be further amended by adding a new Section C as follows:

C. Portable Signs.

1. Portable sign: Any sign not permanently attached to the ground or a building.
2. Portable or wheeled signs are prohibited on public ways and on public property. This shall not be interpreted to prohibit lettering on motor vehicles or buses traveling on a public way.
3. Any portable sign that is being transported or driven within or through the city shall not be illuminated with lighting fixtures that are not factory installed lighting fixtures, such as head lights and tail lights.

s/Alderman Mercer-Bruen

RESOLVED That His Honor the Mayor instruct the Superintendent of Public Works to repave James Street its entire length and to construct concrete sidewalks with granite curb.

s/Alderman Dwyer

RESOLVED That His Honor the Mayor instruct the Superintendent of Public Works to repave Lowell Street.

s/Alderman Dwyer

RESOLVED That His Honor the Mayor instruct the Superintendent of Public Works to repave Hart Street and to repair and replace the sidewalks.

s/Alderman Dwyer

RESOLVED That His Honor the Mayor instruct the Superintendent of Public Works to repave Harold Avenue.

Motion made and 2nd to ADJOURN.